

United States Court of Appeals
For the Eighth Circuit

No. 12-2658

Miguel Angel Martinez-Merlos; Cristina Martinez

Petitioners

v.

Eric H. Holder, Jr., Attorney General of United States

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals

Submitted: March 20, 2013

Filed: April 5, 2013

[Unpublished]

Before MURPHY, SMITH, and COLLOTON, Circuit Judges.

PER CURIAM.

Miguel Martinez-Merlos (Martinez-Merlos), a citizen of El Salvador, and his wife Christina Martinez (Martinez), a citizen of Mexico, petition for review of an order of the Board of Immigration Appeals (BIA), which affirmed an immigration judge's adverse decision. After careful consideration of the petition, we find no basis for reversal.

First, we conclude that we lack jurisdiction to review the BIA's denial of Martinez-Merlos's application for cancellation of removal. See Zacarias-Velasquez v. Mukasey, 509 F.3d 429, 434 (8th Cir. 2007) (this court lacks jurisdiction to review denial of cancellation of removal for failure to prove exceptional and extremely unusual hardship); see also Gomez-Perez v. Holder, 569 F.3d 370, 372-73 (8th Cir. 2009) (jurisdictional bar applied to petitioner's argument that BIA had applied "an incorrect legal standard by failing to adequately consider certain factors," as petitioner was merely challenging BIA's discretionary conclusion that circumstances did not merit cancellation of removal). Second, we conclude that substantial evidence supported the BIA's decision to deny Martinez asylum and withholding of removal. See Khrystodorov v. Mukasey, 551 F.3d 775, 781, 784 (8th Cir. 2008) (this court upholds denial of asylum if it is supported by substantial evidence; denial of asylum dictates same outcome on withholding-of-removal claim based on same underlying factual allegations); see also Constanza v. Holder, 647 F.3d 749, 753 (8th Cir. 2011) (per curiam) (membership in particular social group requires that members hold immutable characteristic, or common trait such as sex, color, kinship, or shared past experiences, and that group has sufficient particularity and visibility to be perceived by society as cohesive group).

Accordingly, the petition for review is denied. See 8th Cir. R. 47B.
